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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY MOLNAR, WESLEY
THORNTON, AILEEN MARTINEZ,
CHIQUITA BELL, TEYIA BOLDEN, and
ANTOINETTE STANSBERRY
individually and on behalf of all others
similarly situated,

Plaintiffs.

v.

**NCO FINANCIAL SYSTEMS, INC., a
Pennsylvania Corporation.**

Defendant.

Case No. 3:13-cv-00131-BAS-JLB

**JOINT MOTION FOR REQUEST FOR
TELEPHONIC APPEARANCE BY
FOUR PLAINTIFFS AT
MANDATORY SETTLEMENT
CONFERENCE**

Date: June 17, 2015

Time: 9:00 A.M.

**Location: Chambers of Magistrate
Judge Jill L. Burkhardt, Edward J.
Schwartz U.S. Courthouse, 221 West
Broadway, Suite 5140, San Diego,
California 92101**

1 **JOINT MOTION FOR REQUEST FOR TELEPHONIC APPEARANCE BY**
2 **FOUR PLAINTIFFS AT THE MANDATORY SETTLEMENT CONFERENCE**

3 Plaintiffs Aileen Martinez, Chiquita Bell, Teyia Bolden, and Antoinette
4 Stansberry (collectively “Plaintiffs”), jointly with Defendant NCO Financial Systems,
5 Inc., by and through their undersigned counsel and pursuant to Judge Burkhardt’s Civil
6 Chambers Rules II(C) and VIII, respectfully request that the Court enter an order
7 allowing Plaintiffs to appear telephonically for the Parties’ Mandatory Settlement
8 Conference (“MSC”). In support of the instant motion, Plaintiffs state as follows:

9 1. In its November 24, 2014 Amended Scheduling Order, the Court directed
10 the Parties to participate in an in-person MSC set for May 12, 2015 at 1:30 PM before
11 Magistrate Judge Jill L. Burkhardt. (*See* Dkt. 127.)

12 2. On April 28, 2015, Judge Burkhardt granted the Parties’ Joint Motion to
13 Continue, and the in-person MSC was reset for June 17, 2015 at 9:00 AM. (*See* Dkt.
14 178.)

15 3. Pursuant to Rule II(C), all named parties and their counsel are required to
16 appear in person at the MSC unless circumstances suffice to excuse their presence.

17 4. However, on January 23, 2015, Plaintiff Thornton filed his motion for
18 class certification, seeking to be appointed as class representative for two proposed
19 classes. (Dkt. 134.) Plaintiffs Martinez, Bell, Bolden, and Stansberry did not joint in
20 that motion, are not seeking to represent any proposed classes, and are proceeding with
21 their claims on a wholly individual basis.

22 5. Accordingly, Plaintiffs Martinez, Bell, Bolden, and Stansberry respectfully
23 request leave to participate by telephone at the MSC. Plaintiff Thornton, and Plaintiffs’
24 counsel, will be appearing in person at the MSC.

25 6. Given Plaintiffs’ aim at the MSC—namely, to reach a class-wide
26 settlement—Plaintiffs (excluding Thornton) believe there are sufficient grounds to
27 excuse them from personally appearing at the MSC. Plaintiffs Martinez, Bell, Bolden,
28

1 and Stansberry's telephonic appearance will not inhibit their ability to meaningfully
 2 participate in, or contribute to, the settlement conference.

3 7. Further, allowing these Plaintiffs to appear telephonically would allow
 4 them to satisfy their obligations in this case, while at the same time avoiding any
 5 disruptions to their individual ongoing work and family commitments caused by the
 6 need to travel for a physical appearance in San Diego (as well as to conserve the
 7 significant resources associated with such travel).¹ Although Plaintiffs recognize that
 8 distance and cost of travel *alone* do not constitute adequate grounds to excuse their
 9 personal appearance, each has substantial grounds justifying excusal of their in-person
 10 appearance at the settlement conference.

11 8. For instance, Plaintiff Stansberry, in addition to having work and childcare
 12 commitments, is currently caring for her elderly father, such that traveling to and from
 13 the settlement conference would impose a substantial burden. She is, however, able to
 14 meaningfully participate in the conference by telephone.

15 9. Likewise, Plaintiff Martinez is currently caring for her elderly mother, and
 16 would therefore be unable to travel overnight to and from the settlement conference.
 17 Like Plaintiff Stansberry, Plaintiff Martinez is able to meaningfully participate by
 18 telephone.

19 10. Plaintiff Bolden, similarly, is the caretaker and provider for three children,
 20 including an 8-month-old baby, such that requiring her in-person appearance at the
 21 conference would impose a substantial burden and cost. As with Plaintiffs Martinez and
 22 Stansberry, Plaintiff Bolden is able to participate in the settlement conference by
 23 telephone as necessary.

24
 25
 26
 27 1 Of course, to the extent the Court disagrees and orders that these Plaintiffs appear
 28 in-person at the MSC, they will make the necessary arrangements to do so.

11. Finally, Plaintiff Bell is the provider for two children, and cannot feasibly travel to and from the settlement conference. As with the other Plaintiffs, Plaintiff Bell is able to participate in the settlement conference by telephone.

12. In light of the foregoing, Plaintiffs Stansberry, Martinez, Bolden, and Bell believe extraordinary circumstances exist justifying their telephonic participation in the June 17th settlement conference with the Court.

WHEREFORE, Plaintiffs Aileen Martinez, Chiquita Bell, Teyia Bolden, and Antoinette Stansberry, jointly with Defendant NCO Financial Systems, Inc., respectfully request that the Court enter an Order granting Plaintiffs Martinez, Bell, Bolden, and Stansberry leave to appear by telephone at the MSC in this matter.

Respectfully Submitted,

**AILEEN MARTINEZ, CHIQUITA BELL,
TEYIA BOLDEN, and ANTOINETTE
STANSBERRY individually,**

Dated: June 5, 2015

By: s/ J. Dominick Larry
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25 DATED: June 5, 2015

26 By: s/ James K. Schultz
27 James K. Schultz (*pro hac vice*)
28 **SESSIONS FISHMAN, NATHAN & ISRAEL, L.L.C.**
Attorney for Defendant

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to James Schultz, counsel for Defendant, and that I have obtained his approval for his electronic signature to this document.

Dated: June 5, 2015

By: s/ J. Dominick Larry